



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,254	06/11/2001	Robert Huusken	ZOU-6	2975

7590

01/05/2004

Richard S. Roberts  
Roberts & Mercanti, L.L.P.  
P. O. Box 484  
Princeton, NJ 08542

EXAMINER

BISSETT, MELANIE D

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/878,254

Applicant(s)

HUUSKEN, ROBERT

Examiner

Melanie D. Bissett

Art Unit

1711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): the rejection based on 35 USC 112, 1<sup>st</sup> paragraph.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-24.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
RABON SERGENT  
PRIMARY EXAMINER

Continuation of 5, does NOT place the application in condition for allowance because: the examiner will maintain the rejections based on 35 USC 112, 2nd paragraph and 35 USC 103. In response to the applicant's argument that one of ordinary skill would recognize the term "from about 1 to about 3 (meth)acryloyloxy groups" it is noted that such a term, when modifying an entire "coating" is indefinite. Although one of ordinary skill in the art would recognize a "polymer structure" having from about 1 to about 3 (meth)acryloyloxy groups, one of ordinary skill in the art would not know the bounds of a "coating" comprising only "about 1 to about 3 (meth)acryloyloxy groups". The coating itself does not contain functional groups, although the polymer composing the coating does. The applicant argues that the references are not combinable because the function of the Valet et al. and Susi clear coatings are to stabilize the topcoat itself but not the other coatings. It is the examiner's position that the secondary references, as a whole, suggest that the multilayered structures benefit from this UV stabilization. The von Bonin reference notes that stabilizers may be included in the invention, suggesting a need for UV stabilization of the coating. The aforementioned secondary references teach multilayer structures including a pigmented base layer and a UV-stable top coating. The structure as a whole benefits from the UV stability of the top coating, since UV absorbers prevent the UV from reaching subsequent layers. It has been the examiner's position that it would have been obvious to include a clear coating on the polymer layer of von Bonin to provide a multilayer structure protected from UV degradation. This motivation is yielded from the disclosures of the references cited and not from the applicant's disclosure. The secondary references show the conventionality of applying a protective UV-stable coating to colored base coatings. Although the Susi and Valet references do not teach the application to flame retardant base, they do teach application to a pigmented base coating. Since von Bonin teaches a polymer coating having conventional pigmentation, a clear protective coating would be combinable with such a teaching. Regarding the applicant's arguments that the WO 96/07678 reference does not provide a motivation for combining, it is noted that the applicant has admitted in the specification the conventionality of using the polyurethane materials in WO 96/07678. The applicant notes that such materials are storage stable and capable of forming flame-retardant coatings. From this suggestion of WO 96/07678 as prior art, it has been the examiner's position that it would be obvious to use such polyurethane materials in the coatings of von Bonin to provide flame-resistant coatings having good storage stability. This motivation comes from the admitted prior art; thus, one skilled in the art would recognize the benefits of the reference.